

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

BENJAMIN SCHWARTZ, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )       **No. 3:21-cv-00239**  
                        )  
JOHN RUDD, MD,      )  
                        )  
Defendant.           )

**ORDER**

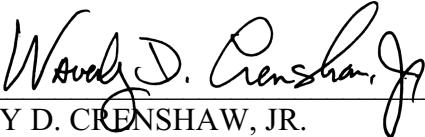
In this Section 1983 action alleging violations of the Eighth and Fourteenth Amendments, the Magistrate Judge recommends that Defendant's Motion for Summary Judgment be granted. In so recommending, the Magistrate Judge noted that Plaintiff (1) did not respond to Defendant's Statement of Undisputed Material Facts; (2) provided no statement of his own; and (3) presented no evidence to support his contention that Defendant was deliberately indifferent to Plaintiff's serious medical needs while he was a pretrial detainee in the Rutherford County Detention Center. In addition, Plaintiff has failed to file any objections to the Magistrate Judge's Report and Recommendation.

Upon reviewing the matter *de novo*, the Court agrees with the recommended disposition because, in the absence of any proof from Plaintiff, there is no genuine issue of material fact and Defendant has shown that he is entitled to judgment as a matter of law. Accordingly,

- (1) the Report and Recommendation (Doc. No. 26) is **ACCEPTED** and **APPROVED**;
- (2) Defendant's Motion for Summary Judgment (Doc. No. 19) is **GRANTED**; and
- (3) this case is hereby **DISMISSED WITH PREJUDICE**.

In accordance with Rule 58, the Clerk of the Court shall enter judgment and close this file.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE